

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Ensure Access to Necessary Health Care Services in Maine by Repealing the Capital Investment Fund

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 2 MRSA §101, sub-§1, as amended by PL 2005, c. 369, §1 and c. 397, Pt. C, §1 and affected by §2, is further amended to read:

1. Duties of the Governor. The Governor or the Governor's designee shall:

A. Develop and issue the biennial State Health Plan, referred to in this chapter as "the plan," pursuant to section 103 by December 1, 2005 and every 2 years thereafter;

B. Make an annual report to the public assessing the progress toward meeting goals of the plan and provide any needed updates to the plan; and

C. Issue an annual statewide health expenditure budget report that must serve as the basis for establishing priorities within the plan; and.

~~D. Establish a limit for allocating resources under the certificate of need program described in Title 22, chapter 103-A, called the capital investment fund, for each year of the plan pursuant to section 102.~~

The Governor shall provide the reports specified in paragraphs B and C to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs, the joint standing committee of the Legislature having jurisdiction over health and human services matters and the joint standing committee of the Legislature having jurisdiction over insurance and financial services matters.

Sec. 2. 2 MRSA §102, as amended by PL 2007, c. 94, §1, is repealed.

Sec. 3. 2 MRSA §103, sub-§3, ¶D, as enacted by PL 2003, c. 469, Pt. B, §1, is amended to read:

~~D. Prioritize the capital investment needs of the health care system in the State within the capital investment fund, established under section 102;~~

Sec. 4. 2 MRSA §103, sub-§4, as enacted by PL 2003, c. 469, Pt. B, §1, is amended to read:

4. Uses of plan. ~~The plan must be used in determining the capital investment fund amount pursuant to section 102 and~~ must guide the issuance of certificates of need by the State and the health care lending decisions of the Maine Health and Higher Education Facilities Authority. A certificate of need or public financing that affects health care costs may not be provided unless it meets goals and budgets explicitly outlined in the plan.

Sec. 5. 2 MRSA §104, sub-§7, ¶C, as amended by PL 2007, c. 441, §1, is further amended to read:

C. Conducting at least 2 public hearings on the plan ~~and the capital investment fund~~ each biennium;

Sec. 6. 22 MRSA §328, sub-§3-A, as enacted by PL 2003, c. 469, Pt. C, §2, is repealed.

Sec. 7. 22 MRSA §335, sub-§1, ¶E, as amended by PL 2007, c. 440, §14, is further amended to read:

E. ~~Can be funded within the capital investment fund or, in~~In the case of a nursing facility, is consistent with the nursing facility MaineCare funding pool and other provisions of sections 333-A and 334-A.

Sec. 8. Application. Notwithstanding Title 1, section 302, this Act applies to a certificate of need application, appeal or reconsideration or action related to a certificate of need application, appeal or reconsideration pending before the Department of Health and Human Services on or after January 1, 2008.

Sec. 9. Retroactivity. This Act applies retroactively to January 1, 2008.

SUMMARY

This bill eliminates the capital investment fund, which limits the amount of capital spending that hospital physicians may make for health care projects that are subject to the certificate of need laws. This bill specifies that the repeal of the capital investment fund applies retroactively to January 1, 2008.